P 7 2-98

G. R. S. IX-5]

Previous references. (1896-97).

191.

Later references. (A. R.)

File No. 91-96

Serial Nos. 1-15

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1. 15.

In Part B for October 1898.

SUBJECT.

Appeal of Ankegowda and others re their claim to a Tope in Byrapatna Village, Channapatna Tk.

W D 1250—GPE—80,000—28-1-19

Petition 1155 of 1898, &
25-11-97 respectfully

Petitioner

(1) Kempegowda of
Benamachalli
Nagavalli Taluk

+ (2) Kempegowda of Nellisa.

Subject:—

Appeal against the order
of the (illegible) Commr, Bangalore Dist,
No 1571, & 11-8-97 declining to
recognise the petitioners' title
to a tope in Byrapatna village,
Chennapatna taluk.

2

Facts of the case are:—

P-72 in the
Year file -

P. 1.

1. In April 1895 one
Ankegowda put in a petition
to the Revenue officer Closepet
for a vacant piece of land
measuring 100 x 100 yds near the
Byrapatna village for the pur-
pose of building a Chatram.

Page 1

The Sub Div'l Officer
ordered

Ordered the Auditor to do Accn — Nº 146, 17-4-95

2. In accordance with my personal instructions divide the land into house-sites, and then first give your opinion regarding the grant of the remaining portion for building the Chatram."

3. The Auditor accordingly directed the Sheristadar to furnish him with the necessary information.

4 On 4-1-96 the Sheristadar reported that there were 116 houses, occupied by 727 people and 629 cattle; that the village was overcrowded & conjested; that there were 12 persons (or families) in need of houses; that adjacent to the Bangalore-Mysore road S. Nos 493 & 497 (area 5ac-3 8/4 + 1-31 respy) were available, the former containing 7 Cocoanut and 3 Jack trees and the latter 5 Cocoanut trees only — all not very useful; that Anthegowda desired to have possession of this land; that the said S. Nos were used by ryots for storing manure which rendered the village air impure and unhealthy; & that excluding the portion required for Chatram, the remaining land was divisible into 12 sites.

P. 3.

№ ? ✓ 23-7-95
on the reverse of page 3

5. Meanwhile on 24-6-95 Mallegowda put in a reminder petition to the Revenue Officer who directed the Amildar to report in conformity with the contemplated extension of the village site.

× № 364, ✓ 27-5-96
P 4

6. The Amildar reported that 150 × 150 ft. for the Chatram and 45 × 130 ft. for each of the house-sites were required at the rate of 6 pies and 1 anna per sq. yd. the collection would be Rs 63-4-6, × 21-1-6 / 42-3-- / 63-4-6 He further requested that the sanction may be soon accorded, as the villagers were badly in need of houses.

× № 426, ✓ 6-6-96
Annexe 1 to 4

7. The Revenue Officer, in his order enquires as follows:

" What is the extent of the existing village-site in acres? What portion of it is vacant? Send an extract from the Register of Vacant Sites. The Plans Selected bear a S. No.: prepare and submit an Alienation Statement. If the Chatram to be built for Charitable pur-

poses

place or is it meant for the
landlord's use? How does
he build and at what cost?
Do you think that the price
of the land should be recovered
from him? What is the approx-
imate price of the trees standing
on the site? Show this to me
when I ~~come~~ go there".

8 Before submitting
the report called for, the
Amildar took a mutchalika
from Anilegouda on 12-6-96
to the effect that he would
build a chatram on 150 x
150 ft* of land out of S.N° 495
entirely for charitable pur-
poses at a cost of Rs 500,
and in
chatra
give up
the cha
himself
the cost
necessa

9 I
prepar
proposed ~~intended~~ chatram and
reported that Byrapatna
being a double-village no
information regarding the
extent of the village-site was
forthcoming from the Survey
Amount

* with his subsequent R
dt 2-12-96 of the dimensio
of this extent. (Mk 30)

* N° 6. dt 4-7-96

Accounts, but that on measuring with reference to the village map. the village-site it was found to contain 15a-3s-8p or 11 1/2 sq. yds. without any Govt. vacant portion in it; that S. Nos 493 & 497 now selected for house-building were Govt. waste lands; that as per terms of the Mutchalika taken from Annigowda, no price need be demanded from him for the chabam site; and that the 15 trees standing on the said S. Nos were of very little value.

10 Whilst the matter was thus standing Sinnegowda put in a takarar for the grant of the said S. Nos, called otherwise "Durgegowdana tope" stating that he was the hakdar for it; that he possessed Kararu and Mahagars to show that he was the owner; that the person who has now applied for it is inimical towards him; that in pursuance of Govt. No 113 granted by the then D. Commr he had been using the dried trees of the tope and manure collecting

collected thereon; that Bore-
Tombaru Siddanaiya and
a few others having on a
previous occasion applied
for the same site been given
the Sec'y's No 212 to say that
such a grant was impossible;
that the kalkary topes of
Mandya Taluk which have
been surveyed are left
in the ~~management~~ enjoyment of their
Kalkars; & that a similar
Concession may be granted
in his favour.

2 Upon this the S. and S. Officer
in his No 515, of 13-6-96 enquired
the Amildar whether or not
Timmegowda paid Kandayam
to the said ~~S. Tope~~ Tope; and
called for a ~~detailed~~ report
with his opinion regarding the facts contained in
the documents in his possession.

So, the reported of the Amildar
above stated concludes by saying
that no Kandayam had been
levied on the Tope; that it was
mentioned in the Taluk account
as Govt Tope; that the manure
and other things collected thereon
belonged to Govt; & that the
patel Timmegowda had not
produced up till the 4th July any

documents

Notes to be sent to Surveyor

document to prove his [illegible]

Mise On 15-8-96 the Assistant in pursuance of the Subdivl. Officers Instruction No 55, of 22-7-96, directing him to send the village plan, (2) Alienation-Statement for the land chosen for house-sites, +(3) to take a Muchalika from Aiklegounda to the effect that he would hand over the Chatram to Govt after it was built, reported that the Sketch of Asali Malé was sent because Byrapatna was a Taluk village; that as the land chosen for house-sites as well as for Chatram was an unassessed waste the Alienation Statement could not be prepared; that the estimate for the building of Chatram was Rs 1370/=; that Aiklegounda had given a Muchalika to the effect that he would have the Chatram built at the above cost in the hands of Govt within 9 months after he was put in possession of the land.

12. On 20-8-96 the Sub Divl Officer in submitting the

P. 12

Muchalika

Vide Mise: 8/11, of 15-8-96 P. 12.

Vide Mise: 3/[illegible] (Cancelled by a Subsequent Muchalika of 14-1-97)

P. 14.

the foregoing facts for the
by Council's orders suggested* × V. Nº 185, § 20-8 § 6
that the house-site may be
given away at 1 anna per
sq. yd. and the chabrain site
gratis subject to the erection
of Mutchalikè.

12 Whereupon the by Comm.r
ordered:- × V. Nº 175, § 18-9-91

"Let a plan be prepared
with a view to provide not
only for the storage of manure
but also for the convenience
of travellers, &c, and let
the daroga be made
to draw up a Mutchalikè
to bind the Chabrain accord-
ing to that plan. And then
you may give away the
extent of land you recommend
for building purposes before
the season is over.

2" You have stated that
the late Limmeyoda has
not produced any docu-
ments to prove his hak to
the tope (S. Nº 693-697): include
records regarding the point
in the file."

13 The Sub Asst Collector
directed* the Amildar accord- × V. Nº 153, § 20-7-96
ingly to give effect to the
above

him in carrying out the said
Divl. order No 153, dd 20-9-96

P. 15.
do.

17. On 14-11-96 the Assistant reported that in pursuance of the said order of Sub Divl Officer, permission had been granted for the building of the chatram; that on careful enquiry there were 27 persons in need of houses; that 38 plots had been marked out in the land; and that he awaited orders regarding the grant of to ~~grant~~ the so-called kaidar Tinnai ground, of land equivalent to a house-site, a chatram site free of cost; ~~and sold~~ collecting a reasonable price on the other house-sites, or to dispose them of in auction sale.

18. Whereupon the Sub Divl Officer directed as follows:-

No 257, dd 3-12-96
P. 34

- Let each of the house-sites now measured out in Byrapatna village be clearly defined by the drawing in of bays and shown in the plan; and

then

then I will dispose them of by coming over there soon."

"You will look over again ~~to~~ ~~my~~ the Office orders Nos 153 & 185, of 20-9-96 & 20-8-96 resp. and the Dist. order No 175 of 18-9-96, and complete the record so far as it deals with notices, Mutchalikas, plans, &c."

19. Agreeably to this order the Sub Div. Officer inspected the village on 11-1-97 and gave some instructions as to the disposal of the house-sites. And then the Amildar got a plan of the place prepared, and in submitting it reported[x] as follows:— No 351, of 10-1-97

According to your personal order on the day of your inspection I encamped in the village, sent for the parties and enquired them. I found that ~~there were~~ 49 houses were required. ××× — — —

It was your personal order that out of the house-sites now marked out, the 15 sites adjoining the ~~big~~ main road may be given away at Rs 30/- each

(Vide Enclosures — ~~plans~~ papers Nos 37, 39, 40 & 41)

Note— No 37 is a mutchalika from Annapurna, of 14-1-97 dealing with the cost & the model of the Chatram & the conditions as to time of its completion, and the passage for the fresh water and as to the repairs of the Chatram

above order by the preparation of necessary plans by the drawing of Muthahiks, and by doing other things needful. So, the Amildar ordered that Chavadi might be built at the places marked out by the Mozumidar.

15. About this time and in the course of subsequent months petitions had poured in into the Kaluk, the Subhedar and District officer from persons offered to the grant of the tope for building purposes as well as from those who wanted houses and therefore were in favour of it. The one set of petitioners headed by Venkatagiri Pouda had based their complaint on the hindrance generally which such a grant would cause for the unreceipt carriage out of the Jatre at the Mari temple close by, as well as for the use of water from a tank or Kattu situated thereabouts. On one of these petitions

* N^v 231 & 15/21, 11-96.

petitioner, 8/1-10-96 in which
facts had been misrepresented
disputed the Sub Divl Officer
ordered* that proper dis-
tribution of sites should be
made so as to give no room
for complaint, and that
a list of persons wanting
house-sites should be submitted,
On another petition of Pakel
Timmegowda the so-called claimant
to the Tope, the Govt, in
adverting to this Case No 175,
8/18-9-96, directing the Sub.
Divl Officer to complete the
records by a settlement of
the question of khadakari to the
Sl Nos 493-+ 497 before pro-
ceeding to divide the land into
sites, ordered* that the petr
Timmegowda be granted Enqt
as to the decision arrived at
by the Sub Divl Officer, and
that if no such decision
had as yet been arrived at,
the grant of sites may be post-
-poned till then.

16 When the Sub Divl Officer
issued an order to the Amildar
to the effect that he should
report to the steps taken by
him

* No 275

* No 309, 8/12

* No 296, 8/3/12-7

each, and the 32 site in-
-cluding those on either side
of the road leading to Devara-
halli at Rs 15/- each.

The house-site is usually
chosen to be given to 12 persons
according to order No 1853, 20/11/96,
should, if there is, in the first
place be given to them, and
then the remaining sites (in-
-cluding the vacant marked no.)
to those persons who have now
come forward out of com-
-petition.

As the site marked and
to the west of the high road
leading to Devarahalli being
to Dombara-boylu people
did not wish to have the site
there. Consequently sites have
been marked out their clear
behind the Chatram and be-
-side the Fresh water Kattes.

vide Enc- paper No 41
a sketch.

20. Upon this the Sub-Asst
Officer said that he was
satisfied with the marking
out of the sites; that the
road-sites should be given
away at Rs 30/- to those that
owned brick decent-looking
houses; that the rest behind

the

x No 366, 21-1-97
P 56.

thier might be decreed of Rs 157- in favour of persons mentioned in the Amildar's list; that there was no necessity for giving the land belonging to Mári-temple to any bodies; that the parties whose hakdari question to the tope had been settled by his ~~order~~ Sanad may be given some Phadia-lands gratis as per verbal orders.

21. Ere the Amildar could give any effect to the above ~~Order~~ Sanad in favor of the Sub Divl Officer, Kenjhar and Kenjhar-Touda & Limmejoonda had appealed ~~by~~ Petition. Dy Collector against the Sub Divl officer's Order marginally noted, and prayed for the ~~establishment~~ recognition of their hak to the tope, and for non-interference with the tree, &c. standing thereon.

22. And then on 29-1-97 a telegraphic order at the expense of the parties was issued to the Amildar to stop all interference with "Dinge jee dhara tope" while the

No 470, By 31-12-9
This is an Order framed by
-ported by the Sub Divl Officer
as follows - The Petitioner
-duced to prove your hak to the
a-bove particulars were proved.
since that the tope was planted
~~Dinge~~ Dinge-Dhara tope
you can have no claim
-d Kenjhar (a descendant
could establish his
hak to the tope, Mine
prefer the same to
Sub Divl Officer
into the matter carefully in
support to your Petition
tope is said to be
sworn declare. You have not
sufficient proofs to show your
to the tope. Therefore your
is rejected.

the Appeal was pending.
Nico the records were called
for immediately.

23. In reply to me
facts of the case the Arabdar
stated that in the ~~year~~ Record
of the year Parabhava (1876-77)
the tope under debate was
entered as ~~Cheeta~~ ~~Cheeta~~
~~Cheeta~~ ~~Cheeta~~ ~~Cheeta~~ ~~Cheeta~~, where
the word Cheeta showed
clearly that the tope was a
Cheeta one; that similar
entries also in the years
Siddharthi & Dundubhi ~~showed~~
~~that the tope~~ led to the same
conclusion; that the Survey
Giva patrike, Bilathomi
Patrike, Soodu & Phisal
Patrike, all clearly styled
the tope as: Sirisar dargo-
Sowdana tope, ~~that the~~
~~Sub Asst. Officer had settled~~
~~that the tope did not belong~~
~~to Patel Timmegowda~~.
The Arabdar further stated
that Patel Timmegowda
was a man of bad reputa-
that he was on a previous
occasion suspended; that
he was the cause of enmesh

in

in the village; and that it was therefore essential for peace that he was crushed.

24. Along with this report the Amildar enclosed copies of (1) old report sent in 1859 by the then Amildar to the Division Officer regarding the disposal of manure collected on the tope under dispute and (2) the Division officer's order thereon to the effect that under the representation made by the Amildar, the manure may be used for Bartai-land.

× No 362 of 97-10 :

× No 393 of 15-10

25. On 7-2-97 the Sub Div. Officer sent all records accompanying the report of the Amildar to the Dy Collector the latter then intended to inspect the tope himself but could not do so. He then requested the Sub Div. Officer to inspect the spot care and forward him with his opinion.

26. On 21-7-97 the Sub Div. Officer while submitting his opinion showed how the case had originated and developed and how the appeal of Kenchavada & others against the Sub-Div. Officer's order was

wh:- In the meantime villagers objected to the grant of the land & submitted petitions to the Govt & to H. Court of the King's Descendants & other persons

was virtually an appeal
against the order of the Govt
Commr - viewed (i.e. 1-5-3, 3-a, 7-6)
& then stated
that the enquiry proceeded no
more dakhila with them than
the entry in the Arval No -
Chitta of Karabiana (1946-'47)
of the tope as was proved
above ; that for the guidance
in such matters the late
Chief Commrs Circulars No 33
of 4-8-'41 & No 15 of 22-7-'40
existed ; that as required
by the said circulars neither
dakhila showing the ac-
quirement of the land to the
tope by durpegowda, nor
those regarding the acquire-
ment of Jodi was forth-
coming ; that Mr Puttanna
Chetty's enquiry proved it
beyond doubt that the
land in dispute was a Govt
waste ; that the statement
of the appellant about the
existence of 100 trees on
the spot was untrue
as there were only 15 of them ;
that the source of all
this

The dispute lay chiefly in the fact existing between Ankegowda and others, that he under the foregoing circumstances had no reason to change the previous decision which had the Mr Puttanachelly and Mr V. N. Ramachandrayya had concurred, and that there was much convenience in giving effect to the said decision both to the villagers and travellers.

27. Whereupon the present Dfts counsel (Mr P. Venkatramaiya) ordered as follows. — "If the land had belonged to Ta Kavadas, it would have been mentioned in their Patta. Inasmuch as it is a waste, the opinion of the late Sub Divl officer (Mr Puttanachelly) stating that it is Govt land is right. Order to that effect should be given to Ta Kavadas".

28. Order was accordingly issued on 30-7-97.

29. On 4-8-97 Kempegowda & Kenchegowda applied to the Dfts counsel for a revision of the above Order. Consequently

45

the latter officer requested the Sub Divn Officer not to allow the trees standing on the disputed ~~sit~~ land ~~no~~ to be cut, pending disposal of the appeal again made by the ~~Tahsildar~~.

30. Summonses were issued to the parties, and the case was heard by the Dy Commr. The following order* which is the one appealed against was passed:—

2 "Puttiswamygowda alias Kempegowda and Kenchegowda state that the land under dispute is theirs because their ancestors planted trees there and made a topé of it.

3 "No Govt permission to plant trees on the spot is produced nor is there anything to prove the appellants' ~~possession~~ hak. to the land. It may be supposed that some trees were planted because the land was vacant. It is not therefore possible

* No 157, 9-11-8-97

P. 72.

to say that the land belongs to them (Kempegowda & Kenchegowda) or to state Linnegowda who says that the land is a legacy to them from his ancestors. As the land has however been included in Gov't pháda (waste) it must be said to belong to Gov't only.

4th It is known from the records that the collection of manure on the land under dispute has been the source of unhealthiness of the locality; and also that the villagers are in need of building-sites. The land may therefore be marked out into house-sites and disposed of through auction-sale.

6th "~~After the expiry of 3 months, the appeal time allowed~~) the above order is to take effect after the lapse of 3 months, the time allowed for appeal."

31. The petitioners Kempegowda and Kencheganda ~~appealed~~ filed to this Office against the forgoing Assistant's order urging

saying that the tope was planted 60 or 70 years ago by the petitioners grandfather, who also constructed a Kattle there = all for Charitable purposes; that the tope was handed over about 1876 to Venkatagowda, patel Timmegowda's father in order that he may watch it; that the Karar to this effect was written out by Kempegowda, the 1st appellant's father; that the use of the tope + mantap was then passed on to the present patel Timmegowda; that the darkhast of Ankegowda was made out of jealousy for this Timmegowda, and also with the purpose of defeating the Charitable end for which the tope was intended; that the entry of the tope in the Survey Account as Sirvi tope was caused by the ~~[illegible]~~ (who was ~~[illegible]~~) ~~of the~~ Shanbhoge (belonging) by the other party to their side; that the tope ~~[illegible]~~ has been going under the ~~[illegible]~~ name "Kempegowdana tope" is a point in their favour (Collusion) that Revenue

Rules

Rule, provided even for a grant of
land ~~title~~ to these tope ——
undertook the improvement
of these topes; that the Appellants
have not only preserved the
tope in a good condition but,
with a view to the convenience
of travellers, are also prepared
to construct a Dharma Chatram
or a Dharma Sayala; that
the tope under dispute is only
one among many topes
planted by their ancestors,
and does not require to be made
an exception in the case of that
to the trees, though not to the land;
that no manure has been
allowed to collect on the land
in order to render the village
less healthy; that if Andia-
ppa wanted to construct a
chatram he might as well
construct it in his dry land
adjoining the tope; that
it was the design of the ~~Appellant~~
respondents to use the trees
for timber in the act of build-
ing the Chatram; they
prayed that, under these
circumstances, the Commis-
sioner's order may be set aside
and that their claim for the
tope be recognised.

3rd: Whereupon the report of the AD/Comm^r dated the 19th were called for. These were

~~Read~~, sent on 19-1-98, with the AD/Comm^r's No. 931.

Ankisondas file

note-

Ankisonda having also submitted an appeal to this office on 16-12-97 (Ref 568) praying for permission to bail the Chabaan, the AD/Comm^r was asked to submit a report on this petition. The AD/Comm^r in his report ~~ref~~ refers to his above report No. 931, dt 19-1-98 on the petition of Kenchegowda & Kencheowda.

K 7/2/98

There are two appeals, one by Kempe Gowda at Kenchegowda claiming the topee (Srs 493 & 497 Khanab) & another by Ankisgowda complaining of the concealment of the grant of a piece of land and of the above topee and of the loss inflicted on him thereby

Serial no 41 is a sketch of the type
(Nos 493 & 497)
From the Serapisbrike (Serial no 62)
et species Text Nos 493 & 497
~~Incorrect~~ contain 26 male trees,
284 banian trees & the extent
of the Nos 1, 4 acres 32 guntas
& race 34 guntas respectively
(vide panel sketch Serial no 33)
The ~~one~~ no officer's report dated 21/7/97
shows there are only 15 trees on the
~~the~~ the present
The accounts & panchnama contain
in the survey settlement papers
settlement was entered in the
Shendurna patta taken in the year
893-94) Shows that the the
is a fig one. The two petns who
claim it simply rely on the
respected name of the type
= senairo - a banyan tree
Neither the Govt's report
nor the Panchnama records
shows whether Anka Sonda
has caused any structure to be
he has expended any money
thereon & there was one of the chief
grounds he was heard urging at the
above - at hearing before Asst Collr
The panchnama was made in accordance with the orders
orders & counter-orders were issued by the Asst Collr

I request time, 2 days adjourned
there - matter in the mkt
- requested Asst Collr accordingly
13/6/98 Urdu
Sakharam R. Nayak
14/6/98

Precis (Continued)

33. After going over the records and the correspondence connected with the case the Govt in their Order No. 527 P.72-98, dt 19/20-7-98 observed as follows

"Govt regret to observe that the Agy. Commr has not noticed the main allegations in the petition forwarded to him for report. Govt are as a rule unwilling to trouble executive officers with references, but when, as in this case, a call for report was rendered necessary by the averments of the Agy Govt's endorsement to the petn, the Agy. Commr should have forwarded such a report as to enable Govt to dispose of the petition without further reference

reference.

The Dy. Comr is requested to submit a report on the following points:-

(1) Is it a fact that Ardhanganda was granted by the Dy Comr in 1896 a portion of Khasra S. Nos 496 & 497 for construction for building a chatram? The Dy. Comr's attention is drawn to the Amildar's Endt, dt 15-11-96, cited to the petr in pursuance of the Dy Comr's order No 175, dt 18-9-96.

(2) Is it a fact that the above order was cancelled by the Dy Comr's subsequent order No 187, dt 11-8-97? and if so under what authority was the order cancelling a predecessor order passed?

(3) Is it a fact that the last order has put the petr to some loss as stated in the petn to Govt?

(4) Is the petr entitled, under all the circumstances of the case, to any relief?

We by Lour shall submit this report within a month of the date of receipt of this order."

34. In reply the D. Collr has stated as follows: —

D. No. 26, 9/13-8-98

2. Question has been asked if the land under reference was given to the petr by the late D. Collr and if so cancelled his order, and if so, on what authority. The late D. Collr in his Yadi No. 175 of the 17th September 1896, told the

[redacted] Sub-Division Officer of Eldoret to give it to the petitioner, but subsequently, on the petition of the parties that claimed the land as theirs* rescinded his order and requested the Sub-Division Officer to go into the question of the claim aforesaid, and thereafter forbade the pet[r] from building upon the site (vide Order No 309 of the 12th December 1896 and 372 of the 29th January 1897, in the file). The Sub-Division Officer inspected the spot and reported that the claimants had failed to prove their claim. Hence thereon required to inform the claimants accordingly. They then put in an application for review, when both parties were heard and order passed, holding that the claim was not proved and that the

* Thus on merits and in an interim order.

the land should be sold in public auction. It will thus be seen that the late Mr Lowe's order was cancelled by himself & not by me, and that I deprived of the matter when it came before me upon an application for review.

8 It has been asked if the last order has put the Pet^r to any loss, and if so, what relief he is entitled to. I beg to state that the last order has caused him no loss; but he appears to have duty foundation at a costs about Rs 17/- and collected some timber of the value of about Rs 100/- It is a question if he did this previous to the cancellation

by the late Sc. Govt of his own
order, but as this was not
even alleged by the petitioner
in his petition of the 20th
May 1897, which was made
to the late Sc. Govt nearly
4 months after he had
cancelled his order, it
may, I believe, be safely
inferred that the excavation
of foundation and the
collection of materials
had not taken place then.
So, he cannot, it is believed,
claim compensation for
anything done subsequent
to cancellation."

29/8/98.

Before the Government of Mysore.

Petition ~~Appeal~~ No. 1568 of 1897-98

Petitioner
~~Appellant.~~ Vs.

Archk Gowda of
Byrapatna, Channapatna Tk

Subject:— Prayer for grant of Hissa Inamti land of a tope in S. No 493 of Byrapatna, Channapatna Taluk. for building a Chattram

Sent by 1st comm.
Posted to the 19th

This case is not a
council case but when the
further report was called for the
Rev C. & S. desired that the
petn should be heard as soon
as the report was received
This will be heard before the
1st council only

19/12/98

9865 to 1st Commissioner
Inquiry and the Records to
have other appeals please attend
this case also. to Mysore for perusal.

16 9 98

Petn dismissed for want of
prosecution.

Dy Commr's perm for disposal
Lr dtd 16/2

Abstract
Draft dtd
23/2/97

LR 91-96-1

1897 (1) 17

No. 2635

Name of Petitioner Ranji Sheshagiri Rao and others

Village Byrasandra

Taluk Chintamani

District Bangalore

Date of Arzi 6-2-97

Date of Receipt 16-2-97

Date of Disposal

No. of Enclosure Nil

ABSTRACT.

State that the Tope in front of the village called Sarpavadanahalli Kaval Tope - that it is useful for the inhabitants for the cattle - that it also contains a Katte which supplies water for cattle during summer - that it is a Government Tope - that the petitioners requested to fell some trees for building purposes during that the Tope is very useful often during that heavy winds - that the Tope is very useful to the village for the purpose aforesaid - that the petitioners have no other Topes - that the Tope is also useful to prevent the cattle grazing in the fields near it - that the Tope

DRI 18

SR 91-96-2

ನಂಬರ್. 2635

ಹುಜೂರು ದಿವಾನ್ ಕಚೇರಿಯಿಂದ.

ಅರ್ಜೀದಾರ ಬ[illegible] ——— ತಾಲ್ಲೂಕು ಬ[illegible] ———

ಇರುವ [illegible] ಗೆ ಇಂಡಾರಸ್ ಹುಕ್ಕುಂ.

ನೀವು ಹುಜೂರಿಗೆ ಗುಜರಾಯಿಸಿದ 1891[illegible]6 ನೇ ಮುಮ್ಮಿನ ಅರ್ಜಿ
ಯನ್ನು ~~ಹೈಕೋರ್ಟ್~~ ಬಗ್ಯೆ ಡೆಪ್ಯುಟಿ ಕಮ್ಮಿಷನರವ್ವರ ಬಳಿಗೆ ಕಳುಹಿಸಿಕ್ಕೆ.

ಬಕಾರೀಖು 21 ನೇ ಮಾಹೆ [illegible] ——— ನೇ 189 7 ನೇ ಇಸವಿ ದರಜಾಗಾ

ನಿಂಗಳ್ಳೂರು.

By Order,

Draft

For ~~Chief~~ Secretary.

Mysore Government Central Press, Bangalore.—9-2-92.—2,000.

2/3/97

No. Pet 1357 and (2) 1/2 19

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

LR 91-96-3.

The accompanying Petition No. 2635
dated 6th February 97 received at the
Dewan's Office from Ranji Rao
Gowda and others of Ko
Byrapatna-Chinnatu
Taluk, praying that
Topi which appears to
have fallen to Ankegowda
for erecting a chattra
be restored for the use of the
villagers, the travellers.
is forwarded, ~~together with its enclosure~~, to the Deputy Commr
Bangalore Dt. for disposal

By order,

Secretary

BANGALORE,
22nd February 1897.
2/3

Draftsman

Sabmitted

(1) Sketch Sketch appd

(2) Dy Comm's report of 11-8-97

(3) Petition is not signed by the petr.

BR 10/11/97

~~Case~~ Returned for being signed.

13/11/97

Condition petn

Rbn 1574 p.

1

26-11-97

2) Stamp suspended

3) Appeal against Comm's order declining to recognise the petr's title & def upon (brought under Khan as to the survey settlement appearing)

4) Council case - if Govt is a claim to the Land as well as the tree

The reply mentions, but not produced by petr.

Seem to be anterior to the survey of survey Little map withdrawn dism (in 1892-93). Sub to 2nd Council

Rd by 1.12.97

Order Collr's report 30/11/97

Petn withdrawn dismissed 10/12/97

L & R 9-1-96-3

20

1897 (3)

No. 1155

Name of Petitioner Krupegowda son of Bireyegowda Kempegowda

Village Bellamballi

Taluk Maddur

District Mysore

Date of Arzi

Date of Receipt 4-11-97

Date of Disposal

No. of Enclosure one

ABSTRACT.

The following is the abstract of the Commr's report regarding inam site in the Hope in Bellamballi village, Maddur Taluk.

(1) Puttegowda vice Kempegowda, (2) Kempegowda - Appellants presented by their pleader Mr Srinivasaiya. (3) Patel Timmegowda were heard.

2. Puttegowda and Kempegowda state that the land under dispute

is theirs because their ancestors planted trees there and made a topé of it.

3. No Govt permission ~~order~~ ~~produced~~ to plant trees on the spot, ~~produced~~ nor is there anything to prove their possession of the land. It may be supposed that some trees were planted, because the land was vacant. It is not therefore possible to say that the land belongs to them (Kanjiyoma & Mandyoma) or to Fisi Zimneyonda who says that the land is a legacy to him from his ancestors. As the land has, however been included in Govt-plans, it must be said to belong to Govt only.

4 "It is known from the records that the collection of manure on the land under dispute has been the source of unhealthiness of the locality, and also that the villages are in need of building-sites. The land may therefore be marked out into house-sites and disposed of through auction sale.

5 " " " " "

6 "After lapse of 5 months (altered time) the above order is to take effect."

The petitioners state
(situated in front of Byrapatana Chennapatana Taluk)
that the tope along
with a Kutcha tank was
planted
built 60 or 70 years
ago, and given about
1876 to the care of
one Venkategowda
(deceased) father of
petitioner Timmegowda;—
that the tope contains
above 100 valuable
big trees; and has
been very useful
to travellers;—
that the tope is
also called "Dungegowda
-tope"— Dungegowda being
one of the ancestors;—
that no nuisance
has been allowed to
collect

collect on the Tope, and the locality has not been made thereby unhealthy as the 2nd Communicants asserts.

That the opposite party, (Yellegowdana Ankegowda & others) have misrepresented matters to the Authorities in order to gain their object of using trees for timber and the site for building bides.

That their hak for the Tope is established by the following records which is in their possession:

1. Patel Timmegowda's father's Kararnama of 26-8-76
2. Sud. No 113 of 6-12-90 giving permission to Patel Timmegowda to collect dried branches.

3 Land-Jhadti Takhte Copy of '60

4. Soda-Copy prepared by the Surveyor in '91.

5- Villages Nakaya's 83-

6. Shekdar's report, with the above

7 Sud. Copy No 212 not-giving permission to build houses in the Tope.

8. Gadapatrikè Copy Rep.- during the time of Survey Jamabandi —
(with Dr Lowry)

9 — do. Lavani-Phaisal patrika

10 Arzi No.- Copy of 1880 —

Pray that an order may immediately be issued prohibiting the giving of the Tope for building houses - pend this appeal -

8/11/97

No. 1155

DATE 4-11-97

TWO RUPEES AND FIFTY PAISE

Petitioner's Advocate

Respondent's Advocate

Petitioner

Respondent

Petitioner's Witnesses

1.

2.

Respondent's Witnesses

1

2

3

4

5

6 NOV. 97

1.

2.

3.

4.

5.

24.

10.

11.

12.

13.

14

15

31.

1/6.

1.

1.

2.

3.

4

5. [illegible]

6. [illegible]

7. [illegible] 2/27[illegible]

8. [illegible]

9. [illegible]

10. [illegible]

[illegible]

[illegible] 25-11-97

Abstract put up.

26/11/97

1358

26-11-97

Submitted
BK
29-11-97

See order on petn No 1155

30/11/97

Cr 91-96-Cr

(4) 1897

No. ~~1155~~ 1358

Name of Petitioner Kempegowda

Village Benemahalli

Taluk Kalavalli

District Mysore

Date of Arzi 25-11-97

Date of Receipt 26-11-97

Date of Disposal

No. of Enclosure one

ABSTRACT

As directed in this office order No 1155 dated 15-11-97 returning his petn being unsigned; petr begs to resubmit the same duly signed &c

27-11-97

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 1155 and 1358 dated 25-11-97

received at the Dewan's Office from Kempigowda and another of Benamanahalli in the Malavalli Taluk, appealing against the order of the Deputy Commissioner, Bangalore dt. declining to recognise the petitioners' title to Patta in respect Byrapatna village, Channapatna Tk

is forwarded, together with its One enclosures, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosur should be returned.

By order,

Chief Secretary.

BANGALORE,

16/12/1897

14/12/97

M.G.C.P.B.—25-4-95—1,000.

Recorded in Lease
& Petition Branch
Date a. of.
16/2/97

Labaille's
(1) Lease by Chief Officer
(2) Agreement 11-2-97
HK
25/2/97

† This Order does not bear
Ref's Signature
= Petr did produce the
D/Comm's order granting
him the sale in question
or = Comm's cert No 23/5 of 11/96

My 11/98

Encl: Petition
Plan Counterfoil

4/1 Sketch Map received by Petr in person
to-day

= (1) In time
(2) Stamps dispensed
(3) appeal against D/Comm's order
due right to sale of a certain land
originally granted to Petr for
Coffee planting or Cultivation
(4) does not appear
= The Comm's cert of 15/11/96 states
that Petr's Lease was granted to Petr
The D/Comm's order of 9/12/96 granted
Petr's Petr similar interest to applied
Petr Petr's Petition for
Petr's Petition

My 4/1/98

1897

No. 615

Name of Petitioner Sathyanadha

Village Barapatna

Taluk Tirumakudalu

District Bangalore

Date of Arzi 11th Dec 97

Date of Receipt 6-12-97

Date of Disposal

No. of Enclosure 3 (three) & 3 pcs

(4/1/98)

ABSTRACT

Sri Sathyanadha of Barapatna
applied for certain waste land
situated in front of his village
with a view to construct a tank
for coffee use - The Commissioner
of Bangalore called for a
long correspondence, causing
the application - Sathyanadha
commenced the construction
of the tank - But because
certain Bairavadinis
remained unpaid, he stopped
had spent about Rs 5261- in
construction, and then, he
an applic

application stating that the land upon which Arikyanda had commenced to construct the chumbly belonged to them and not to Govt: - The work was accordingly stopped. On an Enquiry it was found that the land belonged to Govt: and not to Puttasame Gounder others - The present Dr Journeys of Bangalore did keeping aside his predecessors order allowing the petitioners to construct chumbly gave instructions to the Sub-Dr of Periapatna of the following effect: -

"Puttasame Gounder
"Kenche Gounder claim the land
"as belonging to them on the ground
"of their ancestors having planted
"a grove in the disputed land. -
"No order authorizing them or their
"ancestors to plant trees in the
"disputed plot is forthcoming, nor
"any record to shew that it has
"been in their holding - It
"may be that a few trees may have
"been planted thereon as it was
"lying waste - but this does not
"confer any preferential right

There was an appeal by them & the report was in favour of the present petitioners

2

"right to claim the land-
"As it has been shown to
"forf: waste land from a
"long time it must be consider
"that the right to the disputed
"track plots vests in forfs:-
"It is evident from the plans
"that the land is rendered un-
"-healthy by a large of pumm
"that there are no convenient
"places to build houses in
"Grapatna- Under these
"circumstances the disputed
"forf: waste land may be
"divided into house sites
"And sold by auction upon
"-ing all the parties concern
"of the above decision-
"The auction of the sites may
"be adjourned till the
"Expiry of three months i.e.
(expenditure) from the date of this decision

"The petitioners prays that
the above order of the Collector
to must be set aside and
land granted to him
for completing the half

half-finished boundary-

includes the following grounds-

(1) That the question at issue when objection was taken by Puttasamy was whether the land belonged to Puttasamy Gounda or to Government ~~not decided~~

(2) That he will be put to heavy loss if he is not permitted to complete the work-

(3) That the D.C. commr. procedure in setting aside his predecessor's order is objectionable-

27/12/97

in the above paragraph. But this application has summarily rejected by them in para 9 - 12 - 97.

8. That the Deputy Commissioner was wrong in having made the said to put up the land to auction, and thus set aside virtually the order of his predecessor. This order of his was ultra vires and was not necessary for the purpose of disposing of the application made by the persons as mentioned in paragraph 4. The question for decision in that application was whether this land belonged to the applicants mentioned in that application, or to the Government. He decided that it belonged to the Government, but not to those applicants. He ought to have stopped there, and he ought not to have made the further order to put up this land to auction, and thus reversed his predecessors order, ~~one made~~.

9. That this order has caused much loss to the petitioner. As already mentioned, he has spent money over this work acting upon the strength of the orders mentioned in paragraph 2 of this petition and fully confiding in them. This money will have been spent in vain, if the petitioner is not permitted to proceed with the work already begun and completed. And the Government would in justice be liable to him for this loss.

10. That your honours may take into considera-tion the inevitable ~~ruin~~ of the petitioner which

to the Corporation, and that they, at his cost, this day, to erect to grant to him the plot already given.

11 That the petitioners also pray to state that a Chapel may be erected in the place to be constructed for the use of the Landing Jetty

12 That as the petition is addressed, he begs leave to be allowed to be represented by his Counsel.

The petitioner therefore prays that the Deputy Commissioners order may be set aside and the plot already given to him may be granted

For this act &c &c &c.

16th December 1847.

[illegible]

.....No.....of

In the Court of ...

at Bangalore

Applicant: ...

Vs.

I ... Applicant ...

he ... Applicant ... in the ...

do hereby appoint B. RAMANNA, Esq., B.A., LL.B. High Court Vakil and Advocate ...

to conduct it for me and on my behalf, and to do all the acts and appearances necessary for the same ...

In witness whereof I have set my hand this 10th day of November '97

...

Signature.

I certify that this Vakalatnama was signed in my presence and accept it.

B. Ramanna

Advocate.

Pet 848

P2 (V)

14-1-98

32

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

Ck 97-96-7

The accompanying Appeal Petition No. 156 dated 16-12-97 received at the Dewan's Office from Arkungonda of Byrapalli in the Chennapatna Taluk appealing against the order of the Court, Bangalore directing the sale of certain land originally granted to [illegible] for constructing a ballroom is forwarded, together with its 6 (six) enclosures, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order,

for ~~Chief~~ Secretary.

BANGALORE,

14/1/1898

14/1/98

M.G.C.P.B.—25-4-95—1,000

848

24.1.98

The facts as given by the petitioner is as follows
a Brahmin widow who passed an Engineering

1) There was an appeal by
Sukru Sonda. Put up these

2) Precis (Mr Mahadeva available send back to
Mr 25/1/98 Mr)

Put- 3 Kalligowdas belonging to Sukru Sonda
848
Put up.

24/1/98
Mr
Examine.

26.1.98 Precis put up
7/3/98.

8/2/98 Mr

Submit
Examine with prec

Mr 11/2/98

Rs 7.8.0
11.2.98.

5147-C-D-8

189-

33

From

(8)

The Dy. Commissioner,
Bangalore District.

To

The Secretary to the
Govt. of Mysore
Rev & Genl Depts

Dated 18th January 189

Despatched 19th January 189

Received

General No.

No. 931

Enclosure No. 1 file of Vernacular papers

Copy of Petition
in Petn
No 722 dated 17th Dec.
1897

Report on the
petition from Bena-
nandalli Kantiśaṇḍa
Putta Sukru Sonda re-
garding their rights to
Toke in the Byrapatna
village, Channapatna
Taluk.

Petn
20.1.98
Put up
Mr
21/1/98

D. No. 931

En: 1 file of
Vernacular Papers

Bangalore District
Dy. Commissioner's Office
Bangalore 15th January 1898.

To

The Secretary to the Government
of Mysore
General and Revenue Depts.

Sir,

In reply to your official memo
No. Pet 722 of the 17th December 1897,
forwarding for report a petition
from Benamanahalli Kempé Gowda and
Nittur Kenche Gowda
appealing against this office order
declining to recognize their right
to the tope in Byrapatna village of
the Malur Hobli in the Channapatna
Taluk, I have the honor to state
as follows:—

2. In April 1895 one Lakké
Gowda applied for a piece of land
measuring 100 × 100 yards for constructing
a charitable chattram in the said tope
at Byrapatna. The necessity of
extending the village site seems to have
been

been under the consideration of the Sub Division Officer at that time, and he, therefore called for the Amildar's opinion as to dividing the said tope into convenient plots for houses and giving the rest to Anke Sooda for a chattram. From enquiries made, it was ascertained that the village was overcrowded, that 12 persons wanted sites for new houses and that the tope had been used for depositing manure and was a great nuisance from a Sanetary point of view. The Amildar proposed that 150 x 150 feet should be given to Anke Sooda for a chattram and 45 x 35 feet for each house and suggested that these plots should be sold at the rate of 0 — 0 — 6 pies and 0 — 1 — 0 per square yard according to the nature and situation of the plots. Anke Sooda promised that he would construct the chattram and make it over to Government, execute its repairs at

his

his own cost whenever necessary, and complete the building in 9 months from the date he was put in possession of the site, [redacted] agreeing to spend about Rs. 1349/- for its construction.

5. Meanwhile, one Jemmé Gowda, [illegible], set up his claim to the tope in question (consisting of Survey Nos 403 and 407) asserting that he had obtained it from the petitioners, the descendants of Dargé Gowda, who planted the tope about 60 or 70 years ago and protested against the tope being granted for building purposes.

6. In the old accounts, the tope is called Dargé Gowda's charitable tope, and at the recent survey/ settlement it was declared to belong to Government. The said Patel Jemmé Gowda possesses no documents in support of his claims to the tope. The Sub Division Officer held, therefore that he (Jemmé Gowda) had no right to the

tope and recommended the grant of a part of it to Timmé Gowda for a chatram free of cost for the conversion of the rest into cultivating sites. The late Deputy Commissioner sanctioned this proposal in his order No 175 dated 17th September 1896. There are also other records to shew that the tope in question belongs to Government (vide Channapatna Amildar's report No 451 of the 30th January 1897).

5. Timmé Gowda and the petitioners then jointly appealed to the same Deputy Commissioner to establish their right to the tope. While this was under disposal, they again petitioned him to issue an immediate order, directing the Amildar not to cause the trees in the tope to be felled until their case was disposed of. A telegram was accordingly sent to the Amildar and all interference with the tope was stopped. At the

Same time a petition presented to Government by Ranga Dasé Sowda and others protesting against the grant of the site to Anké Sowda for a chattram, was received for disposal with your Revenl memo No. Pet/357 of the 22nd February 897. At the request of the then Deputy Commissioner, the Sub Division Officer Mr. K. Rama chendra Rao inspected the place and submitted a detailed report on the subject in his yadi No. 30 of the 4th July 897. He was of opinion that there were no grounds to support the claims of Timmé Sowda and that the latter's protest against the grant of a site for a chattram had been prompted by mere jealousy towards Anké Sowda. I concurred with the Sub Division Officer in holding that Patél Timmé Sowda had failed

to prove his title to the lobe, and his claims were therefore rejected. Hence this appeal.

6. The records of the case are submitted together with the enclosures of the memo under reply.

I have the honor to be,

Sir,

Your most obedient servant,

V. Venkatarama Ayya

Deputy Commissioner.

vvvs

5310
Pet 389 37

Refs were perused by El. Insp 5147 from DC Bangalore 378 Dated 9318 18-1-98.
(Z. Insp E. Rama Rao for inquiry on 28/1/98)

AK 28/1/98.

Petitioner's statement in his petition to the Dy Comm'r & Resdt that he has already built a portion & would be put to loss if the work is stopped is not borne out in either of the Dy Comm'r's reports. This is the material point for inquiry

M 28/1/98

L R 91-96-9

1897 C.S. OFFICE

From

(9)

The Dy. Commissioner, of the Bangalore District.

To The Secretary to the Govt of Mysore, Genl & Rev Departments.

Dated 20th
Despatched 24th } January 1898
Received

General No.
D No. 947.

Enclosure No. 7 Rev. Papers

Secys Office Memo No. Pet 848 dated the 14th January 1898.

Reports on Petition from Anekonda Bojappa, Channapatna Taluk, regarding the grant of a piece of land for a chatram.

Pet 1/-
25/1/98

D. No 947.

Encl 7 Ver Papers.

Bangalore District
Dy. Commissioner's Office
Bangalore 20th January 1898.

To

The Secretary to the Government
of Mysore,
Genl & Rev. Departments.

Sir,

With reference to your official Memo No $\frac{\text{Pet}}{848}$ dated the 14th January 1898, forwarding for report a Petition from Ankegowda of Byrapatna in the Channapatna Taluk, regarding the grant of a certain piece of land for a chatram, I have the honor to state as follows.

2. The facts of the case are stated in full in this office letter No 931 of the 18th January 1898, in reply to your official memo No $\frac{\text{Pet}}{722}$ dated the 16th December 1897. Briefly the facts are these. The petitioner Ankegowda applied for the free grant of a portion of a certain "tope" near the said village of Byrapatna for the purpose of building a chatram thereon. But Timmegowda and others opposed the grant on the ground that the said

tope was theirs and did not belong to Government. But the Sub Division Officer of Cloopet opined that the claim was not proved and recommended the free grant of a part of the "tope" to Puthyavida for a Chatram. The late Dy Commissioner approved the recommendation. Thereon the claimants appealed to the same Officer for a review of his order. He entertained the application for review and called for some particulars, and when the matter came before me, I decided that the claim was not proved and directed that the tope be divided into plots and sold for constructing houses, &c. The claimants have appealed to Government and their appeal is awaiting disposal on the aforesaid reference No. 931.

3. The petition under report is also an appeal against that order. The petitioner wants the site for the proposed Chatram to be given him free of cost on the ground that it had been promised to him.

4. The petition under report and its enclosures are herewith returned. The record of the case has been submitted

with the said letter c/o 931.

I have the honor to be,
Sir,
Your most obedient Servant.

Dy. Commissioner,
Bangalore District.

WSL.

LR 91-96-10

ಮೇಲಿನ ಸಂಖ್ಯೆಯಲ್ಲಿನ ಕಾರ್ಯಾದೇಶದಂತೆ
ಸಂಖ್ಯೆ ಪಿಡಬ್ಲ್ಯೂ -16 ಪಿ ಮಾಪಕ ದಾಖಲೆಗಳನ್ನು
ಇಲಾಖಾ ಪರೀಕ್ಷೆಗಾಗಿ

"ಸಿ"

ಸಲ್ಲಿಸಲಾಗಿದೆ

ಸಿಇ

15/7/98

Prop of the Govt of Mysore

Read:-

(1) Petition No 1155 & 4-11-97 from Bennanavaili Kempe Gowda and Nittur Kenchegowda appealing against the Dy Commrs order rejecting their claim to Govt Topes S. Nos 493 and 497 of Byrapatna, Channa patna Taluk

(2) Letter No 931 & 12-1-98 from the Dy Commr Bangalore Dist reporting on the above

(3) The records of the case

Order No 493. 8/8 7/98
8-2-98 & 1/98

The petitioners failed to produce before the Sub Dy Asst and the Dy Commr any reliable evidence to show that the topes in question were planted by their ancestors with the permission of the District Officers. The claim was moreover advanced nearly* 3 years after the

Draft for approval
Sd/- Lewis
14/7/98

15/7/98

(39)

* Govt: Survey Settlement introduced in August-1893 & the 1st petn presented to Govt by the petnrs in June 1896

introduction of Survey
Settlement and could
not be recognised without
a reference to Govt under
Sec: 118 of the L. R. Code.

2. Govt agree in the con-
current finding of the
Sub Dn Officer and the
Dy Commr that the petitioners
have not established their
claim to the lapses and reject
this appeal

Draft

Fordey
14/7/95

To
The Dy Commr Bangalore
with the records
received

Intd to the petrs in terms
of the above

2 Drafts

Proceedings of the Court of Inquiry

Read:-

Petition No 1583 dy 16-12-97 from Arthur Gonda of Byra-patna Chennapatna Taluk appealing against the Dy Commrs order cancelling the grant to the petitioner of a portion of Govt waste land for a chabutra-site

(2) Letter No 947 dy 20-1-98 from the Dy Commr Bangalore District reporting on the above.

(3) Records of the case

Order No 5-27 dy 12-2-98

Govt regret to observe that the Dy Commr has not noticed the main allegations in the petition forwarded to him for report. Govt are as a rule unwilling to trouble Executive officers with references, but in this as in this case, a call for report was render

Ltr 91-98-RE

Drafts for approval
Subs & Rev Cr-d by Dy

14/7/98

Where the 2 drafts
Draft Rev Govt
Memo for Govt
Memo for Govt

15/7/98

necessary by the meagreness of the Dy Comm's report —
to the petitions, the Dy Comm^r should have forwarded such a report as to enable Govt to dispose of the petitions without further reference.

The Dy Comm^r is now requested to submit a report on the following points :—

(1) Is it a fact that Arden Gowda was granted by the Dy Comm^r in 1896 a portion of Khanda No 193 & 197 of Byrapatna for building a chattram?

The Dy Comm^r's attention is drawn to the Surveyor's Govt Lr 15-11-96 issued to the petr in pursuance of the Dy Comm^r's order No 175 dated 18-9-96.

(2) Is it a fact that the above order was cancelled by the Dy Comm^r's subsequent order No 157 of 11-3-97?

[redacted] and if so under what

authority was this order cancelling the predecessor's order passed?

(3) Is it a fact that the last order has put the petitioner in same case as stated in the petition to Govt?

(4) Is the petitioner entitled under all the circumstances of the case, to any relief?

2. The Dy Commr should submit this report within a month of the date of receipt of this order.

Draft

Dy Secretary

14/7/98

To

Dy Commr Bangalore

Dist

15/7/98

Kk 98-13

Mr E Rama Rao
for Cantr of Timber

Dy Sr Dec. Stm. 27/8/98

Contr officer present.

27/8/98.

Submd

30/8/98

1) Put this case before the Revr
2) ES (This is done accordingly
Retd and action taken at the
time when further report may
be called for)

Bring up for giving the order

31/8/98

Retd to 19th Sept: 98.

REVENUE DEPARTMENT
Gl. No. 1427
AUG 23 1898
Dept. No.
DEWAN'S OFFICE
1898

From
The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt
of Mysore
Genl & Rev Departmt

Dated 18th August 1898
Despatched 19th do
Received

General No.
D No. 226

Enclosure No. 1 file

Govt Order No S-27
Pet: Z. 2-98
of the 19th July 1898.

Furnishes particulars
regarding the petition of
Anthagowda of Byrapatna
in the Channapatna taluk
in re the land applied for
by him for cultivating
achattram.

Petition 27/8/98

Rd on 25/8/98

23-8-98

26-8-98

Rote 2nd Relative
Dy 2 2nd Relative
to Col Early return
26/8/98

D. No. 226.

Encl: 1 file

To

The Secretary to the Government
of Mysore,
Gen. & Rev. Departments.

Sir,

With reference to Government Order No. 527 of the 19th July 1898, Pet. F. 2-98 calling for further particulars regarding the petition of Chikka-Gowda of Byrapatna in the Channapatna Taluk in re the land applied for by him for constructing a chattram, I beg to state as follows.

2. Question has been asked if the land under reference was given to the petitioner by the late Deputy Commissioner and if I cancelled his order, and if so, on what authority. The late Dy. Commissioner in his Ajadi No. 175 of the 1st September 1896, told the Sub-Division Officer of Clospet to give it to the petitioner, but subsequently, on the petitioner

of the parties that claimed the land as theirs, rescinded his order and requested the Sub Divisional Officer to go into the question of the claim advanced, and then forbade the petitioner from building upon the site (vide Yadai No. 309 of the 12th December 1896 and 372 of the 29th January 1897, in the file). The Sub Divisional Officer inspected the spot and reported that the claimants had failed to prove their claim. He was therein requested to inform the claimants accordingly. They then put in an application for review, when both parties were heard and order passed, holding that the claim was not proved and that the land should be sold in public auction. It will thus be seen that the late Dy. Commissioner's order was cancelled by himself, but not by me, and that I disposed of the matter when it came before me upon an application for review.

3. It has been asked if the last order has put the petitioner to any loss, and if so, what relief he is entitled to. I beg to state that the last order has caused him no loss, but he appears to have dug foundation at a cost of about Rs 17/- and collected some timber of the value of about Rs 100/. It is a question if he did this previous to the cancellation by the late Dy Commissioner of his own order, but as this was not even alleged by the petitioner in his petition of the 20th May 1897, which was made to the late Dy Commissioner nearly 4 months after he had cancelled his order it may, I believe, be safely inferred that the excavation of foundation and the collection of materials had not taken place then. So, he cannot, it is believed, claim compensation

for anything done subsequent
to cancellation.

4 The records of the case
are herewith submitted.

I have the honor to be
Sir
Your most obedient servant

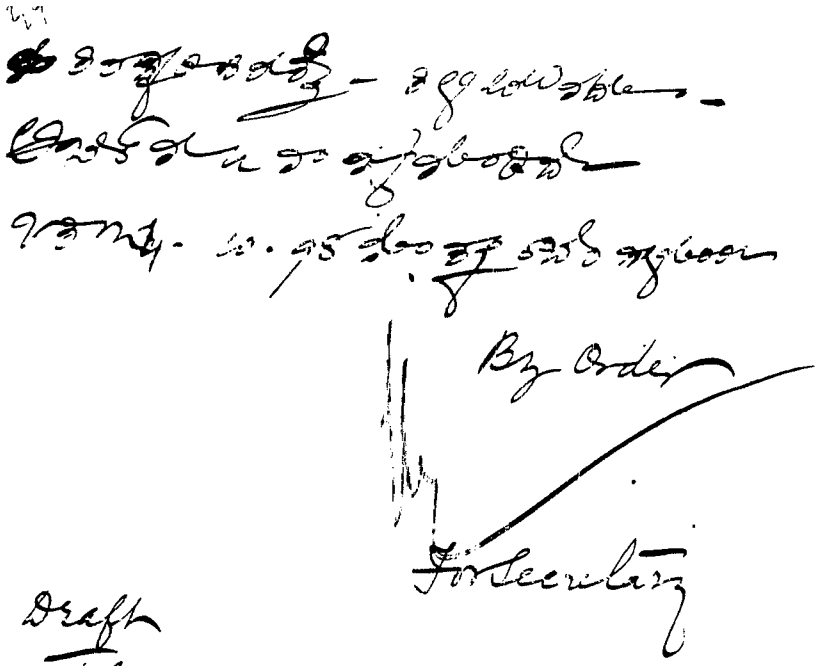
Dy. Commissioner
Bangalore District

Yrs

(14)

7-10-98

1568



By Order

Secretary

Draft

Blue

Copy.

Proceedings of the Govt of Mysore

Read

(1) Petition of Nr 15 & 16-12-97 from Amtul Ganda of Byrakkra Channapatna Taluk, appealing against the order of the Dy Comm Bangalore District, cancelling the grant to the Petitioner of portion of Kharab S. No 493 of Byrakkra for building a chattram.

(2) Correspondence ending with letter of No 226 & 18. 8-98 from the Dist Bangalore Dr

(3) The records of the

from which the fac

follows:-

In April 1895 Ameer

applied to the Sub

Collector for free grant of a

portion of Kharab S. No 493 in

Byrakkra for building a chattra

In forwarding this application to the Govt

the Sub Dy officer rem

him to submit proposals for
extending the village site of
Byrapura, by converting
Khasra S. No. 493 + 497 into
building site and for the grant
of a pattah thereof to the ap
plicant.

While the matter was
considering the necessary en
quiry, one Imame Gauda
presented on 13th June, 89 pet
to the Amildar that the Sub-Ma
officer claiming the land a
men. On 31-12-90 the
Sub-Officer rejected Imam
's claim and consequen
assed order granting
the building site to the appl
and one Sitharu
to the applicant for build
On 22-1-91 Imame Gauda
ppealed to the Deputy Commi
ner, who on 29-1-91, directed the Ama
execution of the
e Sub-Officer's order thereon

collection of materials took
place and after they cannot
forbade all interference with
the site on 20th January 1971.

Order thereon:- S.O. 2819 F.2-98 6.10.98 Document
Pursuant to consultations that consider
the Petitioner's claim for
compensation inadmissible
his appeal is accordingly rejected. 9977

3/10/98

D.C. Ed.

-draft

Secretary

The Deputy Commissioner, Bangalore
with the records.

disposal of the appeal.

On 11th August 1879 the Dy Co
rejected Lamine Gaudal's
appeal and ~~in doing so~~
directed that the building
also should be sold by
public auction. On 9th Nov
1879 the Pet explained to
the Dy Comrs of this m
as cancelling the grant on
made. The Dy Com
having refused to recon
his order the Pet appe
to Govt and urged that
had been just to Lam by
cancellation of the grant
& In his letter read a
the Dy Comrs, reports
the Pet could not have t
just to Lam by his ord
as the operation and